



Entered on Docket
November 09, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Tenth Omnibus
Objection Of USACM Liquidating Trust
to Duplicate Proofs Of Claim; Except for
Claims of Joseph Walls; and Notice of
Status Hearing re Joseph Walls**

Hearing Date: October 18, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Liquidating Trust To Duplicate Proofs Of Claim "[DE 9060], (the "Objection"); at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; a response to the Objection having been filed on behalf of Joseph Walls [DE 9362], no other responses having been filed; and good cause appearing:

IT IS ORDERED:

1. The Objection [DE 9060] is sustained;

2. **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicative of other proofs of claims that were filed by the same creditors in the USACM bankruptcy estate;

3. **Exhibit A** identifies the claimant, the claimant's address, the claim number, the amount of the duplicative claim, the basis for the objections, the claim number that the USACM Trust counted as a valid claim and processed accordingly;

4. The duplicate Proof of Claims listed on **Exhibit A** are disallowed in their entirety;

5. A status hearing on Joseph Walls Proof of Claim No. 10725-00397-2, 10725-00398-2 and 10725-00398-3 will be held on **November 15, 2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Blvd., South, Las Vegas, NV.

6. If Joseph Walls fails to appear at the status conference, the Court may deem the response to the Objection withdrawn and sustain the Objection without further proceedings, meaning that the claims by Joseph Walls would be disallowed;

7. Joseph Walls, may appear telephonically at the status conference on November 15, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S. Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101 or by sending a facsimile request to 702-527-7015. The written request must be received by the Court on or before **November 8, 2011** or it will be denied without good cause shown for failing to timely request permission to appear telephonically; and

8. Once the Court grants Joseph Walls, permission to appear telephonically, he should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-888-882-6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic appearance. CourtCall will require the Court location, Judge's name, case name, case number, and date and time of the hearing. CourtCall charges are to be paid by claimant.

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3 PREPARED AND RESPECTFULLY SUBMITTED BY:

4 **LEWIS AND ROCA LLP**
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6 By /s/ John Hinderaker (AZ #018024)

7 Robert M. Charles, Jr.

8 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Joseph Walls</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

s/ Joseph Walls
 Joseph Walls
 2778 Bedford Way
 Carson City, NV 89703

Submitted by:
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
 Attorneys for USACM Liquidating Trust

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USACM Trust

Duplicate Claims

Exhibit A

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-00098-2	Carollo, Robert & Beverley 5607 Gateway Rd Las Vegas, NV 89120	196,094.65	Claim 10725-00098-2 is based on an interest in the FTDF and is a duplicate of claim 10725-00098-3. The claim was erroneously filed twice. The USACM Trust requests this claim be disallowed in its entirety. A stipulation has been approved to disallow claim 10725-00098-3.	10725-00098-3	196,094.65
10725-00353-2	John T Marasz Ent Inc Defined Benefit Plan Dtd 5/86 C/O John T & Janet Marasz Ttees PO Box 38 Sun Valley, CA 91353-0038	200,000.00	Claim 10725-00353-2 is based on an investment in Ashby Financial \$7,200.00 and is a duplicate of claim 10725-00353. The claim was erroneously filed twice. The USACM Trust requests this claim be disallowed in its entirety. Claim 10725-00353 has been disallowed per an order disallowing claims based on the Ashby Financial \$7,200,000 loan.	10725-00353	200,000.00
10725-00353-3	John T Marasz Ent Inc Defined Benefit Plan Dtd 5/86 C/O John T & Janet Marasz Ttees PO Box 38 Sun Valley, CA 91353-0038	200,000.00	Claim 10725-00353-3 is based on an investment in Ashby Financial \$7,200.00 and is a duplicate of claim 10725-00353. The claim was erroneously filed twice. The USACM Trust requests this claim be disallowed in its entirety. Claim 10725-00353 has been resolved per an order disallowing claims based on the Ashby Financial \$7,200,000 loan.	10725-00353	200,000.00
10725-00397-2	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson City, NV 89703-4618	50,000.00	Claim 10725-00397-2 is a duplicate of claim 10725-00397. Claim 10725-00397 has been disallowed per an order disallowing claims based on the Gramerey Court Condos loan.	10725-00397	50,000.00
10725-00398-2	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson City, NV 89703-4618	200,000.00	Claim 10725-00398-2 is based on an investment in Del Valle-Livingston and is a duplicate of claim 10725-00398. Claim 10725-00398 was included in the objection to claims based on the Del Valle-Livingston loan.	10725-00398	200,000.00

¹ Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

2445877.1

USACM Trust

Duplicate Claims

Exhibit A

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-00398-3	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls-Tees 2778 Bedford Way Carson City, NV 89703-4618	200,000.00	Claim 10725-00398-3 is based on an investment in Eagle Meadows Development and is a duplicate of claim 10725-00399. Claim 10725-00399 was included in the objection to claims based on the Eagle Meadows Development loan.	10725-00399	200,000.00
10725-00421-2	Machetta, Joseph PO Box 187 Brush, CO 80723	50,000.00	Claim 10725-00421-2 is based on an investment in BarUSA/\$15,300,000 and is a duplicate of claim 10725-00421. The claim was erroneously filed twice. Claim 10725-00421 has been resolved per an order disallowing claims based on the BarUSA/\$15,300,000 loan.	10725-00421	50,000.00
10725-00425-2	Copple, Lois 3660 Grand Ave Des Moines, IA 50312	50,000.00	Claim 10725-00425-2 is based on an investment in Fiesta Murrieta and is a duplicate of claim 10725-00425. The claim was erroneously filed twice. Claim 10725-00425 was included in the objection to claims based on the Fiesta Murrieta loan.	10725-00425	50,000.00
10725-00426-2	Gary Hogan IRA H01Bd 9900 Wilbur May Pkyw Apt 1604 Reno, NV 89521-4016	50,000.00	Claim 10725-00426-2 is based on an investment in Placer Vineyards I and is a duplicate of claim 10725-00426. The claim was erroneously filed twice. Claim 10725-00426 was included in the objection to claims based on the Placer Vineyards I loan.	10725-00426	50,000.00
10725-00460-2	Whitehurst Fund LLC C/O Linda Kelly Carson Manager PO Box 8927 Aspen, CO 81612-8927	100,000.00	Claim 10725-00460-2 is based on an investment in Meadow Creek and is a duplicate of claim 10725-00460. The claim was erroneously filed twice. Claim 10725-00460 has been resolved per an order disallowing claims based on the Meadow Creek loan.	10725-00460	100,000.00

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

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